

REMARKS

The present response amends the specification and abstract. In addition, claims 8 and 14 have been amended, and claims 19-29 have been added. Claims 8-29 are pending in the captioned case. Further examination and reconsideration of the presently claimed application are respectfully requested.

Objection to the Priority Claim

An objection was lodged against Applicant's claim for priority under 35 U.S.C. § 119(a)-(d) to German Application No. 10107188.4 filed February 15, 2001. In response thereto, Applicants submit herewith a corrected Declaration which makes clear that the captioned application also claims priority to PCT Application No. PCT/DE02/00541 filed February 14, 2002 which designated the United States of America. In accordance with 37 C.F.R. § 1.78(a)(3) submitted herewith in a separate paper is a Petition to Claim Benefit of Prior International Application Designating the United States of America. Accordingly, Applicants respectfully request removal of this objection and acceptance of the claimed priority.

Objection to the Specification

An objection was lodged against the specification as introducing new matter. In response thereto, the specification has been amended in accordance with the Examiner's suggestions. Accordingly, Applicants respectfully request removal of this objection.

Objection to the Abstract

An objection was lodged against the abstract for improper language and format. In response thereto, the abstract has been amended in accordance with the Examiner's suggestions. Accordingly, Applicants respectfully request removal of this objection.

Objections to the Claims

Objections were lodged against the claims 8 and 14 for various informalities. In response thereto, claims 8 and 14 have been amended to correct the informalities. Accordingly, Applicants respectfully request removal of this objection.

Section 102 Rejection

Claim 8-11 and 13-17 were rejected under 35 U.S.C. § 102(b) as being anticipated by DE 19809076 to Haase (hereinafter "Haase"). The standard for "anticipation" is one of fairly strict identity. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art of reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP 2131. Furthermore, anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, as arranged in the claim. *W.L. Gore & Assocs. V. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983). Using these standards, Applicants submit the cited art fails to disclose each and every element of the currently pending claims, some distinctive features of which are set forth in more detail below.

Haase teaches away from an analyser unit that forms a differentiation as a function of time. Present claim 8 describes a magnetic field sensor and an analyser unit. The analyser unit evaluates signals from the magnetic field sensor. Specifically, the analyser unit will form a differentiation as a function of time from those signals. Support for the amendment to claim 8 is set forth in the substitute specification (clean), for example, on page 6 lines 24-30, which indicates that the analyser unit includes a differentiator. The differentiator function is described in reference to Fig. 3, block 26 (Substitute Specification, clean – pg. 14, lines 20-22).

The concept of a differentiator or differentiation in general are well-known terms as they relate to a device which can solve differential equations and, more specifically, to a device that can produce an output proportional to a derivative of one variable with respect to another, usually time. Differentiator 26 as set forth in claims 8 and 19 computes a magnetic field sensor output as a function of time to show, for example, possibly an increase or decrease in magnetic field over time. This trend analysis is beneficial in determining whether an operator is subjected to an increase or decrease in magnetic field -- possibly determined by where an operator is traveling

relative to the magnetic source. The importance in differentiating magnetic field strength over time can tell an operator whether he is becoming more or less in danger, for example, depending on his travels relative to the source.

While a differentiator can determine trends (i.e., increases or decreases over time), an integrator performs the opposite function to that of a differentiator. An integrator is well-known as a device which produces an output proportional to the integral of one variable or a sum of variables with respect to another variable, usually time. The definitions of an integrator and differentiator are set forth in, for example, The New IEEE Standard Dictionary of Electrical and Electronic Terms, 5th Ed., 1993. Finding the integral or average of one or a sum of variables with respect to time is altogether different from finding an upward or downward trend of possibly the same variables relative to time.

As opposed to describing a differentiation or a differentiator, Haase specifically describes integration or an integrator (Haase – pg. 5, lines 7-15; pg. 6, lines 1-6 and lines 20-25; pg. 9, lines 8-15; pg. 11, lines 20-27; pg. 12, lines 12-17; pg. 13, lines 9-10). Determining the temporal average value via an integrator can only tell when an operator exceeds a predetermined limit over a period of time, but does not allow an operator to determine if he is placing himself in further danger by subjection to an increase in magnetic field strength, such as would be possible using a differentiator and not an integrator. Nowhere is there any mention in Haase for measuring magnetic fields using differentiation as claimed.

For at least the reasons set forth above, Applicants assert that independent claim 8 and claims dependent therefrom, are not anticipated by the cited art. In addition, Applicants assert that added claim 19 and claims dependent therefrom are also patentable over the cited art for at least the reasons cited above. Accordingly, Applicants request removal of the § 102(b) rejection of claims 8-11 and 13-17.

Haase does not teach or suggest an analyser unit that stores into memory only those signals from the magnetic field sensor that exceed a predetermined limit. Added claim 19 not only defines an analyser unit which evaluates signals from a magnetic field sensor, but also stores into memory only those signals from the sensor that exceed a predetermined limit. Support for newly added claim 19 is set forth in the substitute specification (clean), for example, on page 5, line 28 - page 6, line 10. As described therein, only certain magnetic field sensor

values are stored. The stored values are those which exceed a threshold or predetermined limit. By storing only certain values, more values can be stored over a longer term than if all values were stored (Substitute Specification, clean -- pg. 6, lines 12-14). This benefit becomes more significant as the analyser unit becomes smaller and more portable, as well as being powered through a portable battery supply (Substitute Specification, clean -- pg. 7, lines 1-30; pg. 9, lines 10-30).

Contrary to added claim 19, Haase makes no mention of storing into memory only those signals from the sensor that exceed a predetermined limit. The Office Action alleges that "Haase discloses . . . entry of the value to the memory when this limit is exceeded" (Office Action -- page 5). However, upon a closer reading of Haase, while an electronic storage device is disclosed for purposes of temporarily storing integrated measurements, nowhere in Haase is there any mention that what is stored in memory are values or signals that exceed a predetermined limit. Instead, the storage device of Haase simply stores all measured values that later get added together to create the integrated measurements (Haase -- pg. 12, lines 14-16; pg. 18, line 20 - pg. 19, line 6). Storing only signals which exceed a limit for the benefits described in the present specification is not disclosed in Haase. Instead, Haase teaches that all signals must be stored in order for an integration to occur. If only select signals were stored, then the integration would be inaccurate and fatally flawed.

For at least the reasons set forth above, Applicants assert that added claim 19 and claims dependent therefrom are not anticipated by the cited art. Accordingly, Applicants request approval of added claims 19-29.

Section 103 Rejection

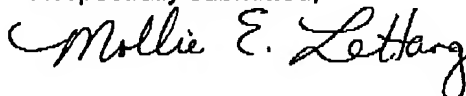
Claims 12 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Haase in view of U.S. Patent No. 5,256,960 to Novini. As discussed above, Applicants have shown that Haase teaches away from the present claims. As set forth in MPEP 2143, a reference which teaches away from the claimed invention is *per se* demonstration of lack of *prima facie* obviousness. *In re Dow Chemical Co.*, 837 F.2d. 469 (Fed. Cir. 1988). In addition, dependent claims 12 and 18 are patentable over the cited art for at least the same reasons as their base claim 8 which is discussed above. Accordingly, Applicants respectfully request removal of this rejection.

CONCLUSION

The present amendment and response is believed to be a complete response to the issues raised in the Office Action mailed October 5, 2005. In view of the remarks traversing the rejections, Applicants assert that pending claims 8-29 are in condition for allowance. If the Examiner has any questions, comments, or suggestions, the undersigned earnestly requests a telephone conference.

No fees are required for filing this amendment; however, the Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment, to Daffer McDaniel, LLP Deposit Account No. 50-3268/5858-00700.

Respectfully submitted,



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